

ORIGINAL

In the United States Court of Federal Claims

No. 17-182

Filed: July 25, 2017

SHRUTI SHETTY,

Plaintiff, *pro se*,

v.

THE UNITED STATES,

Defendant.

FILED

JUL 25 2017

U.S. COURT OF
FEDERAL CLAIMS

ORDER OF DISMISSAL

On March 10, 2017, the Government filed a Motion To Dismiss Plaintiff's February 6, 2017 Complaint, pursuant to Rule of the United States Court of Federal Claims ("RCFC") 12(b)(1) and RCFC 12(b)(6). ECF No. 5. Plaintiff's Response was due on April 10, 2017.

On April 20, 2017, Plaintiff filed a Motion requesting additional time to respond to the Government's March 10, 2017 Motion To Dismiss. ECF No. 6. On April 27, 2017, the Government filed a Response to Plaintiff's April 20, 2017 Motion. ECF No. 7. Plaintiff's Reply was due on May 11, 2017, but was never filed. On May 22, 2017, the court granted Plaintiff's April 20, 2017 Motion, ordering Plaintiff to file a Response on, or before, June 5, 2017. ECF No. 9.

On June 13, 2017, Plaintiff filed a Second Motion For Extension Of Time. ECF No. 10. Because Plaintiff's June 13, 2017 Motion did not contain proof of service, the Clerk of Court did not docket the Motion until July 5, 2017.

On July 11, 2017, the court granted Plaintiff's June 13, 2017 Second Motion For Extension Of Time ordering Plaintiff to file a Response to the March 10, 2017 Motion To Dismiss on, or before, July 24, 2017. ECF No. 11. "If Plaintiff fail[ed] to comply with [the July 11, 2017] Order, the court [would] dismiss Plaintiff's February 6, 2017 Complaint for failure to prosecute, pursuant to RCFC 41(b)." ECF No. 11. Plaintiff did not comply with the July 11, 2017 Order.

Pursuant to RCFC 41(b), the court may dismiss Plaintiff's claim, with prejudice, for failure to prosecute. *See* RCFC 41(b) ("If the plaintiff fails to prosecute or to comply with [the RCFC] or a court order, the court may dismiss on its own motion. . . . Unless the dismissal order states

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otherwise, a dismissal under this subdivision . . . operates as an adjudication on the merits[.]”). Here, Plaintiff has consistently missed filing deadlines and violated at least one court order. For these reasons, the court has determined to dismiss Plaintiff’s February 6, 2017 Complaint for failure to prosecute.

Accordingly, the Clerk of Court is directed to close this case. The Government’s March 10, 2017 Motion To Dismiss and the Plaintiff’s April 20, 2017 Motion For Temporary Restraining Order are moot.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read 'S. Braden', is written over a horizontal line.

SUSAN G. BRADEN
Chief Judge